

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

ALI SADR HASHEMI NEJAD,

*Defendant.*

Case No. 18 Cr. 224 (ALC)

 ORDER

Upon consideration of the Joint Status Report submitted by the Parties on October 15, 2018, and the representations and arguments presented at the Status Conference on October 16, 2018, it is HEREBY ORDERED that:

1. A team of filter attorneys at the U.S. Attorney's Office ("USAO Filter Team") will conduct a supplemental privilege review for the Government. As part of that process, the USAO Filter Team will load Sadr's email accounts into its database, and the USAO Filter Team will seek appropriate assistance from members of the District Attorney of New York's filter team that conducted the original privilege review of Sadr's accounts.

2. The USAO Filter Team will supplement the privilege review of Sadr's emails, including searching for the names and email addresses of additional attorneys identified by Sadr's counsel and generic privilege search terms agreed to by the parties and reflecting input from Sadr. Sadr's counsel has compiled such a list and will provide it to the USAO Filter Team. The list of search terms will include such terms in all of the languages that may appear in the seized documents, including English, Spanish, and

Farsi. Steptoe will work with the USAO Filter Team to create a search methodology that will minimize the number of false positives from potentially broad search terms. Should the government object to any of Sadr's proposed search terms, the parties shall meet and confer in an attempt to reach agreement; if they cannot agree, the government may raise any disputes with the Court. In addition, Sadr's counsel will provide email addresses and names of Sadr's current and former wives to the USAO Filter Team so it can also screen from the prosecution team confidential spousal communications.

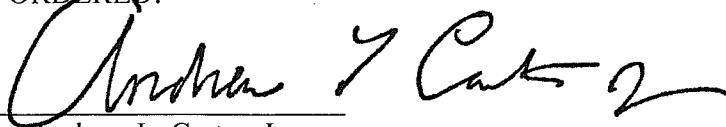
3. Sadr will provide the USAO Filter Team with a list of all of the privileged documents he has identified to date in the earlier production to the prosecution team. This will include a complete set of marital communications. It will also include the attorney-client privileged documents Sadr has been able to identify since receiving the September 28-30, 2018 production. For each such document, Sadr will identify the privilege holder and which type of privilege covers each document. Sadr will update this list as he reviews the discovery material in preparation for trial. Sadr and his counsel will work cooperatively with the USAO Filter Team to ensure that the new privilege review is as effective as possible. The parties may request that the Court set appropriate deadlines to complete this process in advance of trial.

4. Sadr will be given an opportunity to assert any privilege claim over documents identified by the new privilege search terms or by Sadr that the USAO Filter Team proposes to clear, before those documents are produced to the prosecution team. If Sadr objects on privilege grounds to any document that the USAO Filter Team proposes to clear to the prosecution team, defense counsel and the USAO Filter Team will meet

and confer to attempt to resolve these objections. Any objections incapable of being resolved through this process will be resolved by the Court.

5. For any documents that are not flagged by the new electronic search for privilege search terms, the prosecution team may resume its access to those documents.

SO ORDERED:

  
Hon. Andrew L. Carter, Jr.  
United States District Judge

Dated: OCTOBER 16, 2018  
New York, NY

Copies to:

GEOFFREY S. BERMAN  
United States Attorney

Andrew DeFilippis  
Matthew Laroche  
Rebekah Donaleski  
Assistant United States Attorneys  
One Saint Andrew's Plaza  
New York, New York 10007  
(212) 637-2420

Garrett Lynch  
Special Assistant United States Attorney

*Counsel for the United States*

Reid H. Weingarten  
Michelle L. Levin  
STEPTOE & JOHNSON LLP  
1114 Avenue of the Americas  
New York, New York 10036  
Tel: (212) 506-3900  
Fax: (212) 506-3950  
[rweingarten@steptoe.com](mailto:rweingarten@steptoe.com)  
[mlevin@steptoe.com](mailto:mlevin@steptoe.com)

Brian M. Heberlig (*Pro Hac Vice*)  
STEPTOE & JOHNSON LLP  
1330 Connecticut Avenue, N.W.  
Washington, DC 20036-1795  
Tel: (202) 429-3000  
Fax: (202) 429-3902  
[bheberlig@steptoe.com](mailto:bheberlig@steptoe.com)

*Counsel for Defendant*  
*Ali Sadr Hashemi Nejad*